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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN ANDREW TAPIA,

Plaintiff,

v.

B. CURTICE, et al.,

Defendants.

Case No. 1:20-cv-01790-NONE-EPG (PC)

ORDER GRANTING DEFENDANTS'
REQUEST FOR EXTENSION OF TIME TO
FILE RESPONSIVE PLEADING

(ECF No. 22)

On June 25, 2021, Defendants filed a request for an extension of time, up to and including August 27, 2021, to file their responsive pleading. (ECF No. 22). “On June 1, 2021, defense counsel was assigned to represent Defendants in this case. Defense counsel has not practice[d] in federal court for over 10 years, since he has practice[d] administrative law in the state system for the past 17 years with the California Office of the Attorney General (OAG). Defense counsel is not currently familiar with inmate litigation practice or procedure. Defense counsel first attended CLS training on June 7, 2021. Since this time, defense counsel has attended numerous training sessions several hours every week. This training relates to correctional law practice and procedure in federal courts and in the Eastern District, as well as California prison practices, protocol, and procedure. Defense counsel will need additional training in the future in these areas

1 previously identified, in order to adequately represent Defendants in this lawsuit.” (ECF No. 22,
2 p. 2) (citations omitted).

3 “In order to prepare a responsive pleading, defense counsel needs an extension of time to:
4 (1) complete the CLS training necessary to handle this case, (2) analyze Plaintiff’s claims and
5 allegations in the Complaint, (3) obtain and analyze the relevant documents in this case, and (4)
6 confer with Defendants and possibly other witnesses. In addition to handling this matter, defense
7 counsel is assigned a second Correctional Law case, and also handles his own caseload in the
8 OAG Licensing Section. For these reasons, defense counsel requests an extension of time to and
9 including August 27, 2021, to file Defendants’ responsive pleading.” (*Id.*) (citations omitted).

10 The Court will grant Defendants’ request in order for defense counsel to obtain the training
11 and case specific preparation described. However, the Court expects that defense counsel will be
12 able to comply with the deadlines that will be set in this case going forward. No further
13 extensions will be granted based on defense counsel’s lack of familiarity with federal court
14 proceedings or with inmate litigation practice or procedure.

15 Accordingly, IT IS ORDERED that Defendants’ responsive pleading shall be filed no
16 later than August 27, 2021.

17
18 IT IS SO ORDERED.

19 Dated: **June 28, 2021**

20 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE